

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAMON MONTANO,

Defendant.

No. 18-CR-92-CJW

**ORDER**

This matter is before the Court on the government's unresisted Motion for Leave of Court to Dismiss. (Doc. 31). The government "moves for leave of court to dismiss Count Two of the Indictment." (*Id.*). "The government may, with leave of court, dismiss an indictment, information or complaint." FED. R. CRIM. P. 48(a). "[T]he district court may deny leave to dismiss an indictment when the defendant objects the dismissal, and when dismissal is clearly contrary to the manifest public interest." *United States v. Jacobo-Zavala*, 241 F.3d 1009, 1012 (8th Cir. 2001). In this case, defendant does not object to the dismissal of Count Two. Additionally, the Court finds that dismissal is not clearly contrary to the manifest public interest. *See id.* at 1013-14 (finding that dismissal is contrary to the manifest public interest when the prosecutor acts in bad faith or has other improper motives). Accordingly, the government's motion is granted. Count Two of the Indictment (Doc. 2) is dismissed without prejudice.

**IT IS SO ORDERED** this 27th day of November, 2018.



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C.J. Williams  
United States District Judge  
Northern District of Iowa